



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	<b>COUNCIL ON REAL ESTATE APPRAISERS</b>
MEETING DATE AND TIME:	<b>Tuesday, March 16, 2010 at 9:30 a.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
MINUTES APPROVED:	<b>4/20/2010</b>

**Members Present**

Brad Levering, Chair, Professional Member  
Gary V. Parker, Vice Chair, Professional Member  
Stephen Huston, Professional Member  
William Diveley, Professional Member  
Ronald Mandato, Professional Member  
Linda Carter, Public Member

**Division Staff/Deputy Attorney General**

Patricia Murphy, Deputy Attorney General  
Nicole Williams, Administrative Specialist II  
Jean Betley, Division Investigator

**Members Absent**

Selena Zook, Public Member  
Frank Long, Public Member

**Others Present**

**Call to Order**

Mr. Levering called the meeting to order at 9:35 a.m.

**Review and Approval of Minutes**

The Council reviewed the minutes from the February 16, 2010 meeting. The Council noted one correction to be made to the February minutes. Mr. Huston made a motion to approve the minutes with the correction, seconded by Mr. Parker. Motion carried unanimously.

## **Unfinished Business**

### **Strategic Planning**

#### **Discussion on Appraisal Reports USPAP Compliance Guidelines**

Mr. Levering advised the Council about the reason for submission of appraisal reports and provided an example of who would be required to submit reports. He advised that the rules and regulations are not clear on how to review for USPAP compliance on reports. Mr. Mandato advised that Ms. Williams submitted an email to the Appraisal Subcommittee regarding this matter. Mr. Levering inquired if Ms. Williams would send the link to the statute and rules and regulations to all the members of the Council. Mr. Huston and Mr. Mandato advised that reviewing the whole statute and rules and regulations was not directly related to this issue, but rather the Council needs to move forward with implementing a set of guidelines to ensure proper review of reports for USPAP compliance or non-compliance.

Jean Betley arrived at 9:45 a.m.

Mr. Parker advised that the state of Pennsylvania currently uses an administrative review for appraisal reports and utilizes a checklist for the reviewers. Mr. Parker advised having a form established similar to that of Pennsylvania regarding review of the reports and have administrative staff review the reports. Mr. Levering inquired if this issue would have to be included into the rules or regulations or statute or could the Council vote on this issue and accept what the Council determines. Ms. Murphy advised that if this issue is a new criterion for licensure then it would have to be placed into the rules and regulations. Mr. Huston advised that this issue is a criterion that was already established by the Appraisal Qualifications Board (AQB).

The Council determined that they need to establish guidelines as to what is needed to do when an appraisal report is not USPAP compliance. Mr. Mandato advised that the Council review the reports and if the reports are not USPAP compliant the have the applicant submit an additional sample of reports for another Council member to review and if at that point a complaint be made against the applicant. Mr. Huston and Mr. Parker advised to have the reports administratively reviewed and if any deficiencies then the Council review those reports. Mr. Mandato advised that it was his understanding that the review process should be the sole responsibility of the Council members, not the administrative staff. Mr. Levering concurred. The Council further discussed.

Mr. Parker inquired if the Division would allow for an administrative staff to attend a two (2) day seminar for USPAP standards. Ms. Williams advised that she will inquire if Mr. Collins would allow her to attend a USPAP seminar. Mr. Parker provided Ms. Williams a sample of a USPAP review checklist for her review. Ms. Murphy advised that Ms. Williams would need to contact only one Council member with any questions and comments about the appraisal report, if she were to do the actual review and should Ms. Williams have any concerns then she will bring the appraisal reports before the Council at their next meeting. The Council requested that Ms. Williams develop a more detailed checklist for to be reviewed at their next meeting.

#### **Form Subcommittee Members for Assessors Issue**

Mr. Huston volunteered to be the Chair of the Assessors Subcommittee. Mr. Diveley and Mr. Parker volunteered to be the other two members.

Rules and Regulations/Statute Overview for Council

Ms. Murphy advised the Council a brief overview of the statute and the rules and regulations. She advised that the statute is the governing power and the rules and regulations clarify the statute. The Council can not do any more in their regulations that are not within the statute. Ms. Murphy provided a briefing of how statute changes go through the legislative process and the rules and regulations go through a public hearing.

Ms. Betley left the meeting at 10:42 a.m.

Ms. Murphy advised the Council of the statute changes that the Council had recommended and asked that Ms. Williams provide each Council member a copy of the proposed changes for their final review. Mr. Huston advised to table review of the statute and comment back to Ms. Murphy after further review of the proposed changes to the statute.

Mr. Levering inquired if an applicant required to take an education course for licensure would be a statute or rules and regulations change.

Status of Complaints

Mr. Diveley advised the Council that complaint 19-8-09 is officially closed.

Mr. Levering advised the Council that complaint 19-9-09 is officially closed.

Final Decision and Order: David G. May

Ms. Murphy advised the Council of the decision and order for their review and to sign. Ms. Murphy advised as well that the final decision and orders need to have a quorum of signatures even if the Council member voted no or abstained due to the Administrative Procedures Act.

Appraisal Reports Review Update: Ted Ganderton

Mr. Levering advised that he reviewed the reports and the reports are not USPAP compliant. The Council determined to have a letter sent stating the deficiencies and request an additional five appraisal reports to be submitted for Council review. Ms. Murphy advised that the deficiencies noted need to be objective and relate specifically to the USPAP standard violations. Mr. Huston advised that the reports reviewed need to be objectively reviewed and not subjectively. Mr. Levering inquired if the applicant should know who reviewed the reports. Ms. Murphy will research that matter and report back to the Council. The Council further discussed if specifics should be noted in the letter to the applicant regarding the appraisal reports submitted. A motion was made by Mr. Parker to send a letter stating the specific USPAP standards violations and request additional appraisal reports to be submitted from Mr. Ganderton's experience log for review, seconded by Mr. Diveley. Motion carried unanimously.

New Business

Mr. Huston made a motion to amend the agenda to discuss replacement of public members, seconded by Mr. Parker. Motion carried unanimously.

Mr. Huston advised that Mr. Cahall is no longer on the Council and Ms. Zook has missed the last three (3) consecutive meetings.

Review of Certified General Real Property Application

The Council reviewed the Certified General reciprocity application for Joseph Biado of Maryland.

Ms. Williams advised the Council of a discipline Mr. Biado received in PA for which he was convicted. Ms. Murphy will research Mr. Biado's file and report back to the Council later in the meeting.

The Council moved on to Review of Continuing Education Activities to allow Ms. Murphy additional time to review Mr. Biado's file.

Ms. Murphy later addressed the Council again and advised that Mr. Biado will need to be proposed to deny. Mr. Huston made a motion to PTD Mr. Biado's application due to a conviction of a substantially related crime to the appraiser profession, seconded by Mr. Parker. Motion carried unanimously.

#### Review of Application for Exemption

The Council reviewed the application for exemption submitted by trainee Donna Anderson who is currently being supervised by Rex R. Doelze.

Mr. Huston advised the Council that Ms. Anderson has obtained her 250 hours and is requesting to inspect the properties without the presence of her supervisor. Mr. Huston made a motion to approve the application for exemption for Donna Anderson, seconded by Mr. Diveley. Motion carried unanimously.

#### Review of Continuing Education Activities

The Council reviewed the Continuing Education Activities applications that were submitted.

Mr. Huston made a motion, seconded by Mr. Parker to approve all of the applications submitted by the Philadelphia Chapter of the Appraisal Institute, Career WebSchool, Van Education Center, and the American Society of Farm Managers Rural Association. The motion carried unanimously.

Mr. Parker made a motion, seconded by Mr. Diveley to approve all the applications submitted by the Appraisal Institute. The motion carried unanimously.

Mr. Mandato made a motion, seconded by Mr. Diveley to approve the applications submitted by McKissock. The motion unanimously carried.

#### Ratification of Issued Licenses List

Ms. Williams advised that licenses were issued to Phyllis Davis of MD (Certified Residential), John Simpson of NJ (Certified Residential), John Yates of NJ (Certified Residential), Richard Cirillo of NM (Certified Residential), Melissa Holcombe who passed the exam for Certified Residential, Michael Acquaro-Mignogna of NJ, MD, PA (Certified General), Janardan Nukalapati of NJ, NY, PA (Certified General), Steven Gilson of DC, MD, VA (Certified General), Andres Delgado – Trainee – Supervisor: Rafael Delgado. A motion was made by Mr. Parker, seconded by Mr. Diveley to ratify the listing. The motion carried unanimously.

#### Review of Temp Applications (for discussion only)

Ms. Williams advised the Council of the temp applications issued to Nicholas Wuensch, Jeffrey Carroll, Bruce Jones, Michael Resce, Brock Rule, Andrew Rogers, Jeffrey Walters, and Norman LeZotte.

There was no further discussion by the Council.

**Other Business before the Council (for discussion only)**

Ms. Murphy advised the Council on the update to the Mr. Nickel's disciplinary hearing as Mr. Nickel has appealed the Council's decision to the Superior Court.

Mr. Parker advised the Council about the reciprocity issue regarding Delaware does not enter into individual reciprocity agreements; however PA does enter into reciprocity agreements. He advised that any applicant that seeks reciprocal license or certification into PA must provide all the information as an exam candidate would apply by. Ms. Williams advised that this occurred due to Delaware taking the segmented approach to the new 2008 AQB criteria and other states take the firm approach. The Council further discussed.

Ms. Williams advised the Council that the current statute does not require individual reciprocal agreements. Ms. Murphy advised that the statute's reciprocity language is a blanket of all states that are substantially equivalent to DE requirements.

Mr. leveraging inquired if the Council could require applicants to take the DE laws, rules and regulations course prior to licensure. Ms. Williams advised that this matter was discussed before and Mr. Collins attended a meeting and advised the Council that this requirement would make application standards more stringent which is not the Council's duty and does not protect the safety, health and welfare of the public. Mr. Huston and Mr. Parker concurred.

Ms. Murphy advised that she has an update to Mr. Biado's application. The Council discussed Mr. Biado's application; see above under New Business.

**Public Comment**

There was no public comment.

**Next Meeting**

The next meeting is scheduled for April 20, 2010 at 9:30 a.m. in Conference Room A, second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**Adjournment**

Mr. Huston made a motion, seconded by Mr. Diveley, to adjourn the meeting. With there being no further business before the Council the meeting adjourned at 12:47 p.m.

Respectfully submitted,



Nicole M. Williams  
Administrative Specialist II